

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ROBERT T. GARRETT,

)

8:15CV472

)

Petitioner,

)

v.

)

**MEMORANDUM
AND ORDER**

)

STATE OF NEBRASKA,

)

)

Respondent.

)

Petitioner filed a Petition for Writ of Habeas Corpus (Filing No. 1) and a Motion for Leave to Proceed in Forma Pauperis (Filing No. 2). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. 28 U.S.C. § 1914(a). However, after considering Petitioner's financial status as shown in the records of this court (see inmate trust account statement at Filing No. 5), provisional leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee at this time. See 28 U.S.C. § 1915(a)(1).

IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Proceed in Forma Pauperis (Filing No. 2) is granted. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business.

DATED this 8th day of February, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge